

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER

AZIA WELLS, et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:23-CV-27
)
JASON PONDER, et al.)
)
Defendants.)

ASSISTANT DISTRICT ATTORNEY GENERAL JASON PONDER 'S MOTION TO STRIKE
PORTIONS OF COMPLAINT

Defendant Assistant Attorney General Jason Ponder (“General Ponder), through the Office of the Attorney General and Reporter and the undersigned counsel, moves to strike portions of Plaintiffs’ Complaint pursuant to Fed. R. Civ. Proc. 12(f). In particular, General Ponder seeks to strike all references to “kidnapping” in paragraphs 1 and 20 of the Complaint. As grounds therefore, General Ponder submits that the references to kidnapping are immaterial, scandalous, and impertinent. The references are immaterial and blatantly incorrect because, as Plaintiffs admit, the juvenile court did find cause to remove the children and did so after an evidentiary hearing. [Complaint, ECF 1, ¶¶ 45-47]. To claim that General Ponder kidnapped the children is thus immaterial. Further, the allegations that General Ponder kidnapped the children improperly reflect on the moral character of General Ponder and detract from the dignity of the court and should therefore be stricken. *See, Pigford v. Veneman*, 215 F.R.D. 2, 4 (D.D.C. 2003); *Johnson v. City of Macomb*, No. 08-10108, 2008 WL 2064968 (E.D. Mich. 2008); *McKinney v. Bayer Corp.*, No. 10-

CV-224, 2010 WL 2756915 (N.D. Ohio 2010); *Solek v. K&B Transportation, Inc.*, No. 21-CV-10442, 2021 WL 5183873 (E.D. Mich. 2021).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been filed electronically on September 29, 2023, and may be accessed through the Court's electronic filing system. The following will receive a copy through the Court's electronic filing system:

Drew Justice
1902 Cypress Drive
Murfreesboro, TN 37130

S/ Dawn Jordan